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TAGS: [PGOV](#) [EAID](#) [NP](#)  
SUBJECT: JUNE CONSTITUENT ASSEMBLY ELECTION WOULD BE  
DIFFICULT TO PULL OFF

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d)

Summary

1. (C) The new chief of party for IFES told the Ambassador recently that meeting the peace negotiators' announced target date of mid-June 2007 for constituent assembly elections would be a tall order. Bill Chilvers, a twenty-two year veteran of the Australian Electoral Commission, cited five reasons: the absence of an election law, an incorrect voters register, the need for a civic and voter education campaign, the lack of an adequate field structure, and the requirement for sufficient time to plan and implement a credible election. Chilvers estimated that thirteen months from the adoption of an election law and the staffing of the election commission would be a reasonable timeframe. When the Ambassador pressed whether the timeline could not be compressed, Chilvers agreed it could, but only with difficulty.

Mid-June Date For Election Doubtful

2. (C) On October 20, Bill Chilvers, who left the Australian Election Commission earlier this year after twenty-two years of service and joined IFES Nepal as Chief of Party, briefed the Ambassador on the status of preparations for expected constituent assembly elections. IFES, formerly known as the International Foundation for Election Systems, has had a USAID-funded program assisting Nepal's Election Commission for over a year. Chilvers told the Ambassador that he thought it would be extremely difficult for the Government of Nepal to meet a recently announced target date by the GON and Maoist peace negotiators of holding constituent assembly elections no later than the middle of June.

Senior Staff of Election Commission Absent

3. (C) Chilvers pointed out that the Election Commission still did not have any election commissioners to make the key decisions. With the blessing of the peace negotiators, on

October 14, the Constitutional Council had recommended three candidates: former Home Secretary Bhoj Raj Pokhrel as chief election commissioner; Usha Nepal, a senior civil servant and the first woman commissioner; and election expert and former European Commission adviser Neel Kantha Uprety. The Parliamentary Special Hearing Committee (PSHC) now had to vet and approve the nominees. (Note: The PSHC approved Pokhrel on October 17. His nomination must go back to the Constitutional Council and the cabinet for final approval. Hearings on the other two nominees are scheduled for October 27.) Chilvers noted that the Communist Party of Nepal (Maoist) (CPN-M) might nominate an additional candidate.

#### No Election Law

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¶4. (C) The IFES Chief of Party identified the lack of an electoral law as the first major stumbling block to a credible election. It did not matter, Chilvers stated, whether that law was incorporated into the interim constitution currently under negotiation between the GON and the Maoists, or stand-alone. What mattered was that there was an appropriate legal framework. The Election Commission needed to know who was an eligible voter, who could run for office, which electoral system to use when converting votes, etc. Drafting an electoral law required specific technical expertise regarding political systems, systems of representation and electoral systems design that the peace negotiators did not appear to have. If the election administration perspective were left out, the GON, Chilvers feared, would run a huge risk of holding an election that could not be implemented because the law contained contradictions.

#### Outdated and Inaccurate Voters Register

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¶5. (C) Chilvers reported that the voters register was widely believed to be far from complete or accurate. Millions of voters were missing from the rolls while millions of others who had been displaced because of the Maoist insurgency were registered in their original electoral district, making it impossible for them to exercise their franchise. Significant resources and technical assistance were needed, he said, to assist the Election Commission in preparing an up-to-date and accurate register.

#### Civic and Voter Education Campaign Required

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¶6. (C) The former Australian election official pointed out that the constituent assembly election posed a challenge to the electorate, not just the Election Commission. A constituent assembly was an alien concept to Nepali voters. Moreover, the lack of general elections in Nepal since 1999 -- other than the discredited municipal elections in early 2006 -- meant that a sizable proportion of voting age Nepalis had never voted at all. Furthermore, Chilvers remarked, it was highly possible that the peace negotiators would introduce a new electoral system. For the first time, the Election Commission would have to put together a comprehensive, yet accessible, civic and voter education campaign. The retirement over the summer of the person in charge of voter education and his replacement by someone with no previous election experience would not make the task any easier, Chilvers said.

#### Inadequate Field Structure

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¶7. (C) According to the IFES Chief of Party, most of the work in elections is done in the field. Without a competent field structure, it would not be possible to find the 30,000 polling stations that would be needed to cater to an approximately 15-million strong electorate. Nor would it be possible to recruit and train the 150,000 election staff needed. The GON's rotation of experienced district election officers out of the Election Commission and into other

governmental institutions was of grave concern to IFES, Chilvers stated. Even worse, 40 percent of Nepal's 75 districts had no district election officer. In fact, large swaths of the countryside had no government presence at all.

#### Charting A Reasonable Timeline

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¶8. (C) Chilvers used a month-by-month chart of election activities working back from a notional date of June 2007 to explain how he arrived at an estimate of 13 months as a more reasonable timeframe rather than the 8 months contemplated by the negotiators for completing a constituent assembly election. If the election were to take place in June, then that would normally mean an election campaign in May. The printing and distribution of ballot papers would have to happen in April. Nominations would need to take place in March. A provisional voters register would be required in February. At least two months - December and January -- would be needed for registration of voters, assuming registration could take place during the winter. Staff to register the prospective voters would need to be recruited in November. Meanwhile, the electoral law was not yet approved and the electoral commission was still not fully staffed. In response to a question from the Ambassador, Chilvers conceded that some steps could happen simultaneously, but he argued that any such schedule would be particularly prone to slippage at any stage. That included, he noted, the early onset of the monsoon, prior to mid-June. The election would then have to occur after the monsoon in mid-September. Two more months to allow for other delays in any stage produced his preferred timeline of 13 months.

#### What to Do

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¶9. (C) The IFES Chief of Party said IFES planned to use its funding from USAID to target the key problem areas Nepal's Election Commission faced. First, it planned to assist the

Commission in the development of the electoral codes governing the constituent assembly election. Second, IFES intended to strengthen the Commission's voter registration capacity. Third, it would work to enhance the Commission's ability to execute a civic and voter education campaign. Finally, it would help with the establishment of a strong field structure. The Ambassador expressed his strong support for this plan of action and encouraged Chilvers to let him know whether IFES would be seeking additional funds. Washington agencies were firmly committed, he stressed, to seeing that Nepal's elections were free and fair.

#### Comment

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¶10. (C) Nepal's Election Commission does indeed face a huge uphill climb if it is to pull off a successful constituent assembly election next year. The date may well slip from June to September 2007. If the Election Commission is perceived to be doing a thorough job of preparation, that sort of delay may be politically acceptable. The immediate challenge, of course, is successful conclusion of the peace talks, at which point preparation for an election would become one of the most urgent tasks facing the government.

MORIARTY